

Mr. H. P. Knight has been appointed publishing agent of the American and Foreign Anti-Slavery Society, in place of L. J. Bates, resigned; and is also the authorized agent for the sale of "The New York Post & Co., Periodical Agents, Tenth street near Main, Cincinnati, are authorized to receive subscriptions for the *Era*. Single copies of the paper may be had at them at all times."

John Cobb A. Wall is our authorized agent for Worcester, Mass.

WASHINGTON, D. C.

THURSDAY, DECEMBER 29, 1853.

THE LAST NUMBER.

This number closes the seventh volume of the *National Era*. The work of renewal is going on briskly, but is far from being complete. We shall continue to print a large edition of the paper, so as to supply back numbers to subscribers and keep up their files. Our agents cannot be too prompt. To the many friends who are zealously attending to the business, we return our warm thanks. Let them continue as they have begun, and our Weekly will be strong enough, we trust, to enable us to stagger along under the burden of the Daily.

THE DAILY.

Next Monday is the day fixed for the first number of our Daily. It will be an evening paper, contain a rapid sketch of proceedings in Congress each day, up to three o'clock P. M., be mailed at five, and reach Baltimore, Philadelphia, and New York, the next morning, in time to be circulated with their morning papers.

Many kind notices have been taken of the enterprise by the Press, but to the *New York Evening Post* and to the *Tribune* we are under special obligations.

We are waiting with exemplary patience to see how much the friends of the *Era* intend to do for the Daily. From their deliberation, we augur favorable results. By New Year's day, we suppose they will overwhelm us with an avalanche of subscribers and advertisers.

Mr. Smith's *Speech* we publish this week, as corrected by himself. Mr. Preston, in reply, will be given next, when we shall also publish the speech of Mr. Giddings.

to be parties to a secret attack on the Administration through ourselves, we give the warning of praise and gratitude. But it shows the effect of fomenting and nursing a foolish faction against the Democratic party of the United States. When a Democratic Administration espoused its course, it was natural for the Democratic party of the Union flattered in the teeth, by the combination of fourteen Whigs and three Abolitionists with a few Democrats. How far the Whig and Abolition coalition may be, we cannot tell, and closed down upon themselves in future with disaffected Democrats, we can only learn hereafter; but the adoption of Gen. Dodge's resolution will at least be one step towards that publicity which is essential to represent the Whigs.

Gross misrepresentation runs throughout this extract. Mr. Allen, formerly a Democratic Senator from Ohio, was in the habit of making an annual motion to hold open executive sessions; but the disputes of Monticello and the Hermitage, so favorably alluded to by the *Union*, never cordially sustained him. The Democrats, who have so often had it in their power to put an end to the "secret session," have never seriously attempted it. Leading Southern Democrats have steadfastly withheld such a reform. The only attempt made to accomplish it, since the days of Mr. Allen, has originated with Mr. Chase, an "Abolition Senator," as he is styled by the *Union*, and been sustained by Mr. Sumner, another "Abolition Senator." And yet the "organ" with characteristic recklessness, charge the maintenance of this anti-republican usage of secret sessions, upon a combination of Whigs, Abolitionists, and a few disaffected Democrats! Let the editors look to the Journal of the Senate of the last Congress, and they will find the charge made flatly disproved by the facts officially recorded. That is not all—by referring to their own files of the same period, they will find not a word said in their columns in support of the resolution of Mr. Chase. Their zeal against secret voting has sprung up since the election of Mr. Tucker as Printer to the Senate.

Since this was written, Mr. Chase has again brought forward his resolution for the abolition of the rule requiring secret sessions, but not one word of approval came from the *Union*!

AN ELECTIVE JUDICIARY.

One of our exchanges, taking for its text the rejection by the people of Mississippi of Mr. Verger, a candidate for a seat in the Supreme Court of that State, denounces the policy of an elective judiciary. Mr. Verger, it remarks, was repudiated by the people because he demanded repudiation; he was upright and able, and, therefore, lost the election.

This is not true. He did not lose his election because he was upright and able, but because he held opinions on an important question, adverse to those of the majority of the People: and why should we have judges representing a minority of the People, or themselves alone? A fundamental condition of Democracy is, that the majority, within the limits of the Constitution, must govern. We may deplore certain opinions of a majority, as against right, and pregnant with mischief, but what is the remedy? A dictator, an oligarchy, an aristocracy? Shall we, in a Democratic republic, set up a privileged body, irresponsible and absolute, whose prerogative it shall be to overrule the majority? Democracy is the government of the People by the People. If we accept this creed, we must be true to it. It should pervade the entire framework and spirit of the Government; Legislative, Executive, and Administrative Departments should all derive their respective powers from the People, and be directly accountable to the People.

A Judiciary by Executive appointment, or Legislative ballot, is an incongruity under a Democracy, which demands an elective Judiciary, as much as an elective Legislature. That some evil and inconvenience flow from Democracy, is just as true, as that Human Nature is imperfect, and masses of men, like individuals, are always liable to error; but the true way of correcting these evils, is not by attempting to engraft upon Democratic Institutions, elements essentially foreign to them, but by laboring to inform the intellect and elevate the sentiments of the People—the only real source of Power under such Institutions.

We entirely agree with the *Union*, and hope that the resolution of General Dodge, requiring the election of officers of the Senate to be voted, may prevail.

But this resolution of General Dodge is comparatively a small matter; it goes but a short way towards making the Senate a responsible body. The Lower Senator should have proposed at once the abolition of the rule providing for secret sessions. Much of the time of the Senate in executive session is spent in voting on nominations for offices sent in by the President. It is even more important for the People to know the course of Senators on such nominations, than in relation to the election of its Chaplain or Printer. They have a right to know the principles which determine the ratification or rejection of an appointment. They are just as much at fault in this matter as in the matter of legislation. Senators should no more wish to screen themselves from responsibility for their votes in filling offices of trust and profit, than for their votes on the passage of bills and resolutions. The secrecy with which they now invest their executive action, exempts them from a due accountability, not only to their respective Parties, but to the People—much more important consideration.

The Public Interest, as well as due regard to the exigencies of Foreign States, as may at times require that the consideration of important Treaties be carried on with closed doors; but, let the determination of this question be left to the discretion of the Senate, which can at any time, should the occasion in its judgment demand, resolve itself into secret session.

The *Union*, without recommending any such reform as we propose, seems, however, to regard the practice of secret sessions as anti-republican. It remarks:

"It has been proposed by Democrats in the Senate, to hold Executive session with open doors, to prevent the factions or hostile from stabbing men behind a curtain or escaping under a cry of 'vote by ballot,' from the responsibility of performing the duty which they were created for. The practice, taken from the English Parliament, and ingrafted in our institutions by the influence of the aristocracy of Hamilton's day, has, however, prevailed; and, though the upper chamber of the British Parliament has never dared to give judgment on an individual, or decide upon the interests or reputation of an individual, in secret—all irreconcileable with the spirit that body is yet to find, under the coming of the Whigs and Abolitionists, and a few Democrats, the Senate retrograding to practices against which Junius and Chatham, Fox and Franklin, Jefferson and Henry, and all the great intellects of the world, have for a hundred years powerfully rebelled. It is a monstrous supposition that any man behind protected pillars, so intrepid, and so sanguine, as to conceive of the greatest of Democratic Senators, who refused

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SPEECH OF GERRIT SMITH, IN CONGRESS,
ON THE
PRESIDENT'S MESSAGE.
DECEMBER 20, 1853.

It is natural, Mr. Chairman—nay, it is almost necessary—that, from the difference in our temperament, our education, our parents, and our circumstances, we should take different views of many a subject which comes before us. But, if we truly find in expressing these views, and patient in listening to them, no harm, but, on the contrary, great good, will come from our discussions.

As this is the first time I have had the floor, it may be well for me now to confess that, I am in the habit of freely imputing error to my fellow-men. Perhaps, I shall fall into this habit on the present occasion. It may be a bad habit; but, if I do, I hope you will forgive me, for I do not claim that I am always exempt from error; and that I am ever willing, that those whom I assail, shall make reprisals! I trust, sir, that so long as I shall have the honor to hold a seat in this body, I may be able to keep my spirit in a teachable posture, and to throw away my errors as fast as honorable gentlemen around me are willing to receive them.

I have seen, Mr. Chairman, to make some remarks on portion of the President's Message, which it was proposed, a few moments since to refer, to the Committee on Foreign Affairs.

The Message endoreses fully and warmly, the conduct of the Administration in the case of Martin Koska.

For my own part, I cannot

but acquiesce in that conduct.

So far as Capt. Ingraham is concerned,

such praise.

It is true, that I honor him for

his brave and just determination to rescue Koska, but I would have had him go a step further than he did, and insist on Koska's absolute liberty.

I would have had him enter into a treaty,

and hence the American Government was bound to set him, immediately and unconditionally, free,

but Capt. Ingraham represented the Ameri-

cian Government. Koska was an American subject—a kidnapped American subject—and

hence the American Government was bound to

set him, immediately and unconditionally, free,

but Capt. Ingraham represented the Ameri-

cian Government. For that occasion he was the American.

For anything that I have said, I may appear very inconsistent in the eyes of many, who know my opposition to all war; for they may regard Capt. Ingraham as having been ready to wage war upon Austria—as having, indeed, actually threatened her with war. But, notwithstanding my opposition to all war, I defend Capt. Ingraham's purpose to use force, should force become necessary.

He was in harm's way with the crew of a Civil Government.

I hold that an armed naval

police is proper, and that here was a fit occasion for using it, had moral influences failed.

But to believe in this is not to believe in war.

It is due to truth to add, that Capt. Ingraham was not charged with designing war upon Austria.

Why should he be thus charged?

He has done nothing whatever to the American Government, nor with the American Gov-

ernment.

There was no occasion for doing either of them, nor for his even thinking of either of them. For him to have imposed that upon Capt. Ingraham, or with the American Gov-

ernment, would be to insult him and them.

He had to do only with the kidnappers, who were restraining Koska of his liberty; and all he had to do with these kidnappers was to use an unconditioned and unconditional surrender of their prey.

I will say, by the way, that I do not condemn the conduct of our Minister, Mr. March, in relation to Koska, for the good reason, that I am not sure what it was.

If it was, as it is reported to have been, I trust that both the Adminis-

tration and the whole country will condemn it.

It is denied in certain quarters, that Koska was an American subject. But Secretary Mar-

ry has argued triumphantly that, in the light of international law, he was.

I regret that he had not proceeded to show that, even if admitted international law

is to the contrary, nevertheless, by the superior

law of reason and justice, Koska was an Ameri-

cian subject. I regret that he had not pro-

ceeded to publish to the world that, when a foreigner becomes an inhabitant of this land, abjures

allegiance to his native land, he left, and

placed himself under the protection of the

American Government will protect him, and

that, whether with or without internation-

al law, and whether with the world or against

the world. In a word, I regret, that the Secre-

tary did not declare, that if international

law shall not authorize the American Gov-

ernment to protect such a one, by securing

more certain and authoritative than European

codes. It is high time, that she should have her

justification, in such a case, on the immutable

and everlasting principles of reason and justice.

I may be asked, whether I would allow, that

the subject of a foreign Government, who is

alleged to be charged with an offence, and who

has fled to our country, can find shelter in his

country, and be protected by it.

I answer, that I would not allow him to be kid-

napped; and that if his former Government

wants him, it must make a special call on

our Government for his extradition. I add, that

I would have our Government the sole judge of

the fact whether he is charged with an offence;

and also the sole judge whether the offence

with which he may be charged, is a crime—a

real and substantial crime, which he should

be surrendered; or a merely conventional and

nominal crime, for which he should not be sur-

rendered.

A few words in regard to the charge that

Captain Ingraham invaded the rights of a neutral State.

It is to be regretted that the Secre-

tary did not positively and pointedly deny

the truth of the charge. I add, that he

had not intended to do so.

I regret, that he had not proceeded to

show that, even if admitted international

law is to the contrary, nevertheless, by the super-

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I add, that if he did not do so, he

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I add, that if he did not do so, he

should have done so, for the reason, that

he had no right to do so.

I add, that if he did not do so, he

should have done so, for the reason, that

he had no right to do so.

I add, that if he did not do so, he

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he had no right to do so.

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I add, that if he did not do so, he

should have done so, for the reason, that

he had no right to do so.

I add, that if he did not do so, he

should

